

2 *As Amended*

4 *G-03-95*

5 AN ORDINANCE OF THE COMMON COUNCIL OF THE
6 CITY OF FORT WAYNE, INDIANA AMENDING
7 CHAPTER 32 OF THE FORT WAYNE CODE OF
8 ORDINANCES, ENTITLED "COMMON COUNCIL."

9 WHEREAS, from time to time it is necessary for the
10 Common Council to act upon an ordinance or resolution at the
11 same meeting which it is introduced; and

12 WHEREAS, it may be necessary for the Common Council to
13 hear testimony and discuss the merits of the bill prior to it
14 being placed on consideration for passage; and

15 WHEREAS, Council Committee session is the most
16 appropriate time to hold discussion and hear testimony
17 regarding pending legislation.

18 WHEREAS, it would be more efficient in the passage of
19 legislation for the standing committees of the Common Council
20 to have more than four members.

21 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
22 THE CITY OF FORT WAYNE, INDIANA THAT:

23 SECTION 1. Chapter 32 of the Fort Wayne Code of
24 Ordinances is hereby amended by repealing current section
25 32.58(A) and replacing it with the following language:

26 "Sec. 32.58(A). No ordinances shall be passed upon the
27 same day it is introduced except by suspension of the
28 rules. At least two-thirds of the members-elect of the
29 Council must vote in the affirmative for passage of any
30 ordinance on the same day it is introduced. In the event
31 of such an affirmative vote, the ordinance shall be
32 discussed during Committee session, immediately prior to
the Regular Session when the bill will be formally
introduced and then placed on consideration for passage.
The affirmative vote shall take place during the
Committee session. This division does not apply to a
zoning ordinance or amendment to a zoning ordinance that
is adopted under I.C. 36-7."

SECTION 2. That current section 32.58(D) is hereby
repealed and replaced with the following language:

"Sec. 32.58(D). Final vote for passage of a resolution
may be taken at the meeting at which it is introduced, or
said resolution may be referred to the appropriate
committee as determined by a majority of Council present;
provided that a resolution requiring affirmative action
on behalf of the city shall be processed the same as an
ordinance. In the event that the majority of the Common
Council votes during Committee session that final passage
of the resolution shall take place during Regular
session, the ordinance shall be discussed during
Committee session, immediately prior to the Regular
Session when the bill will be formally introduced and
then placed on consideration for passage."

SECTION 3. That current section 32.70 is hereby repealed and replaced with the following language:

"Sec. 32.70 There shall be four standing committees in the Council, appointed by the President, which shall consist of at least four members each; further provided that the President shall appoint a Chair and a Vice-Chair of each committee from its members, to wit:

- (A) Finance
(B) Regulations
(C) Public Works
(D) City Utilities

SECTION 4. That current section 32.71 (E) is hereby repealed.

SECTION 5. Severability. If any provision of this chapter is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Clatus R Edmonds
COUNCIL MEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by Bradbury,
and duly adopted, read the second time by title and referred to the
committee on Regulations (and the City Plan Commission
or recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of _____,
19_____, at _____ o'clock

M., E.S.T.
DATED: 12-27-94 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Garnie,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
MONMONS				<u>✓</u>
LAQUINTA	<u>✓</u>			
ENRY	<u>✓</u>			
ONG	<u>✓</u>			
UNSEY	<u>✓</u>			
AVINE	<u>✓</u>			
CHMIDT	<u>✓</u>			
ALARICO	<u>✓</u>			

DATED: 1-10-95 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) _____ (ZONING) _____ ORDINANCE _____ RESOLUTION NO. 2-03-95

on the 10th day of January, 1995

ATTEST: _____ (SEAL)
Sandra E. Kennedy Don J. Schmitter
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 11th day of January, 1995.
at the hour of 11:30 o'clock A., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of January,
1995, at the hour of 2:00 o'clock A. M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

1
2 BILL NO. G-94-12-35

3 GENERAL ORDINANCE NO. _____

4 AN ORDINANCE OF THE COMMON COUNCIL OF THE
5 CITY OF FORT WAYNE, INDIANA AMENDING
6 CHAPTER 32 OF THE FORT WAYNE CODE OF
ORDINANCES, ENTITLED "COMMON COUNCIL."

7 WHEREAS, from time to time it is necessary for the
8 Common Council to act upon an ordinance or resolution at the
same meeting which it is introduced; and

9 WHEREAS, it may be necessary for the Common Council to
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being placed on consideration for passage; and

11 WHEREAS, Council Committee session is the most
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regarding pending legislation.

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18 same day it is introduced except by suspension of the
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20 Council must vote in the affirmative for passage of any
21 ordinance on the same day it is introduced. In the event
22 of such an affirmative vote, the ordinance shall be
23 discussed during Committee session, immediately prior to
the Regular Session when the bill will be formally
introduced and then placed on consideration for passage.
The affirmative vote shall take place during the
Committee session. This division does not apply to a
zoning ordinance or amendment to a zoning ordinance that
is adopted under I.C. 36-7."

24 SECTION 2. That current section 32.58(D) is hereby
25 repealed and replaced with the following language:

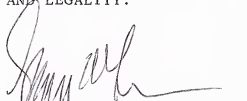
26 "Sec. 32.58(D). Final vote for passage of a resolution
27 may be taken at the meeting at which it is introduced, or
28 said resolution may be referred to the appropriate
29 committee as determined by a majority of Council present;
30 provided that a resolution requiring affirmative action
31 on behalf of the city shall be processed the same as an
32 ordinance. In the event that the majority of the Common
Council votes during Committee session that final passage
of the resolution shall take place during Regular
session, the ordinance shall be discussed during
Committee session, immediately prior to the Regular
Session when the bill will be formally introduced and
then placed on consideration for passage."

1
2 SECTION 3. Severability. If any provision of this
3 chapter is now or later amended, or its application to any
4 person or circumstance is held invalid, the invalidity does
5 not affect other provisions that can be given effect without
6 the invalid provision or application.

7 SECTION 4. This Ordinance shall be in full force and
8 effect from and after its passage and any and all necessary
9 approval by the Mayor.

10 
11 COUNCILMEMBER

12 APPROVED AS TO FORM
13 AND LEGALITY.

14 
15 Stanley A. Levine
16 Legal Advisor to
17 Fort Wayne Common Council
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* WHEREAS, it would be more efficient in the passage of legislation for the standing committees of the common council to have more than four members.

BILL NO. G-94-12-35

GENERAL ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA AMENDING CHAPTER 32 OF THE FORT WAYNE CODE OF ORDINANCES, ENTITLED "COMMON COUNCIL."

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WHEREAS, Council Committee session is the most appropriate time to hold discussion and hear testimony regarding pending legislation.

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SECTION 2. That current section 32.58(D) is hereby repealed and replaced with the following language:

"Sec. 32.58(D). Final vote for passage of a resolution may be taken at the meeting at which it is introduced, or said resolution may be referred to the appropriate committee as determined by a majority of Council present; provided that a resolution requiring affirmative action on behalf of the city shall be processed the same as an ordinance. In the event that the majority of the Common Council votes during Committee session that final passage of the resolution shall take place during Regular session, the ordinance shall be discussed during Committee session, immediately prior to the Regular Session when the bill will be formally introduced and then placed on consideration for passage."

Section 3- see attached

That current section 32.70 is hereby repealed and replaced by the following language:

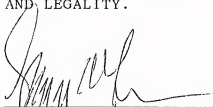
1
2 SECTION ~~4.5~~ Severability. If any provision of this
3 chapter is now or later amended, or its application to any
4 person or circumstance is held invalid, the invalidity does
5 not affect other provisions that can be given effect without
6 the invalid provision or application.

7 SECTION ~~4.6~~ This Ordinance shall be in full force and
8 effect from and after its passage and any and all necessary
9 approval by the Mayor.

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COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.


Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Section 4 - That current section
32.71 (E) is hereby repealed.

EXPLANATION OF CHANGES TO ORIGINAL COUNCIL RULES AND PROCEDURES:

BILL NO. G-94-12-35

GENERAL ORDINANCE NO. _____

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SECTION 2. That current section 32.58(D) is hereby repealed and replaced with the following language:

"Sec. 32.58(D) Final vote for passage of a resolution may be taken at the meeting at which it is introduced, or said resolution may be referred to the appropriate committee as determined by a majority of Council present; provided that a resolution requiring affirmative action on behalf of the city shall be processed the same as an ordinance. In the event that the majority of the Common Council votes during Committee session that final passage of the resolution shall take place during Regular session, the ordinance shall be discussed during Committee session, immediately prior to the Regular Session when the bill will be formally introduced and then placed on consideration for passage."

SECTION 3. Severability. If any provision of this chapter is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.

Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

matter, pass an ordinance or resolution thereon at a future regular meeting of the Common Council. Such action is customarily referred to as "prior approval." Such "prior approval" is in derogation of the strict letter of the law regarding presentation and passage of ordinances and resolutions but is in the best interest of the city.

(B) Any request for "prior approval" presented to the Common Council shall require two-thirds vote of all elected members of the city. All "prior approvals" must be introduced and passed only at a regular meeting of the Council.

(74 Code, § 2-39.1) (Ord. G-21-81, passed 10-13-81; Am. Ord. G-18-92, passed 4-26-92)

§ 32.65 SPECIAL PROVISIONS CONCERNING UTILITY BOND ISSUANCE ORDINANCES.

(A) Whenever the Board of Public Works of the city has determined and the Common Council thereof finds that any utility is in need of improvements, extensions, additions, expansions or repairs and that funds for said project should be provided by the issuance and sale of revenue bonds payable solely out of said utility's revenues and not constituting a general obligation of the city, and that rates and charges are increased as a result thereof, the Council shall provide in the ordinance authorizing said bond issue that when said bond issue is paid off that the Board of Public Works shall notify in writing the Council within 90 days of the terminal payment of such bond issue.

(B) Said ordinance shall provide that concurrently with said written notification the Board of Public Works shall make a written showing as to why in its opinion said city utility rates or other special revenue requirements should not be reduced because of the reduced debt service requirement arising from satisfaction of their outstanding debt.

(74 Code, § 2-39.2) (Ord. S-190-83, passed 9-27-83; Am. Ord. G-18-92, passed 4-26-92)

COMMITTEES

COMMITTEES

Section 32.70 of the current code is hereby repealed and replaced with the following language:

§ 32.70 DESIGNATED; COMPOSITION.

There shall be ^{four} five standing committees in the Council, appointed by the President, which shall consist of ^{four} five members each, except the Committee

of the Whole which shall consist of all of the members of the Council; provided, that the Councilmember of the City Plan Commission shall be ex-officio one of the four members of the regulations committee; and provided further that the President shall appoint a Chair and a Vice-Chair of each committee from its members, to wit:

(A) Finance.

(B) Regulations.

(C) Public Works.

(D) City Utilities.

~~(E) Committee of the whole.~~

(74 Code, § 2-41) (Ord. passed 1-2-46; Am. Ord. G-18-92, passed 4-26-92)

§ 32.71 DUTIES.

The duties of the various standing committees shall be as follows:

(A) *Finance.* The Finance Committee shall consider and report on all ordinances and other matters concerning tax levies, revenues, bonds, appropriations, fees, salaries and claims. All ordinances and resolutions concerning these subjects shall be referred to the Finance Committee for its recommendation. The Chair of the Finance Committee shall maintain liaison with the City Controller. No payment for expenses incurred by a Councilmember on official business shall be paid unless same shall be approved in writing by the Finance Committee Chair prior to the expenditure of funds for travel.

(B) *Regulations.*

(1) The Regulations Committee shall consider and report on all general ordinances and zoning map ordinances and all other matters of a regulatory nature. All ordinances and resolutions concerning these subjects shall be referred to the Regulations Committee for its recommendation. The Chair of this Committee shall maintain liaison with the Board of Public Safety.

(2) The Regulations Committee shall also consider and report on all ordinances concerning the annexation of territory to the city and the revision of corporate boundaries. All ordinances and resolutions